

ARGUMENTS

Claims 1-37 are active in the case.

The Examiner argues that the inventions of Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1, because under PCT Rule 13.2 they lack the same or corresponding special technical features, since the special technical feature linking the two groups, as evidenced by independent Claims 1 and 33, is a chelating ion exchange resin formed from polyazacycloalkane resin grafted on a solid support, which special technical feature is anticipated by WO 96/11056.

However, it can be seen that the special technical features of independent Claims 1 and 33 are not limited only to a polyazacycloalkane resin grafted onto a solid support but, in addition, the polyazacycloalkane resin is conditioned at a pH of 4-6 before use. This further technical feature is recited in Claim 33 as a means for conditioning said resin at a pH of 4-6. There is no disclosure in WO 06/11056 of any pH treatment of the reference resin at a pH of 4 to 6, nor is there any disclosure of an apparatus having a means for treating the reference resin at a pH of 4 to 6.

Since the Examiner has failed to show that the inventions of Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 and PCT Rule 13.2 and PCT Rule 13.2 allows, in addition to an independent claim for a given process, an independent claim for an apparatus or means specifically designed for carrying out the said process, it is submitted that the claims of Groups I and II do, in fact, relate to a single general inventive concept and, therefore, should be examined in this application.

Finally, the MPEP in paragraph 803 states that "If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions". Applicants respectfully submit that a search of all the claims would not impose a serious burden on the

Application No. 10/069,565  
Reply to Office Action of March 8, 2004

Patent & Trademark Office, since all the limitations of the independent claim of Group I are included in the independent claim of Group II.

Accordingly, for the reasons presented above, Applicants assert that the Patent & Trademark Office has failed to meet the requirements under PCT Rules 13.1 and 13.2 to sustain the restriction requirement. Withdrawal of the restriction requirement is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Norman F. Oblon  
Attorney of Record  
Registration No. 24,618

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 08/03)

Roland E. Martin  
Registration No. 48,082